

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WARREN GREEN,

No. C 11-3440 WHA (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

DR. SEPULVEDA; WARDEN  
HEDGEPATH;

Defendants.

Plaintiff, an inmate at Salinas Valley State Prison ("SVSP"), filed this pro se civil rights action pursuant to 42 U.S.C. 1983. He has been granted leave to proceed in forma pauperis in a separate order.


Plaintiff alleges that he is a parapalegic and is not receiving adequate accommodations for his condition at SVSP, and he seeks to be accommodated. These issues are currently being considered in the class action, *Amstrong v. Wilson*, No. C 94-2307 CW (N.D. Cal.). Individual suits for injunctive and equitable relief from alleged unconstitutional prison conditions cannot be brought where there is a pending class action suit involving the same subject matter. *McNeil v. Guthrie*, 945 F.2d 1163, 1165 (10th Cir. 1991); *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc). "Individual members of the class and other prisoners may assert any equitable or declaratory claims they have, but they must do so by urging further actions through

1 the class representative and attorney, including contempt proceedings, or by intervention in the  
2 class action." *Ibid.*

3 For the reasons set out above, this case is **DISMISSED**. The clerk shall close the file.

4 **IT IS SO ORDERED.**

5 Dated: August 29, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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